

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT LOWINGER,

Plaintiff(s),

vs.

MGM MIRAGE, et al.,

Defendant(s).

2:09-cv-01558-RCJ-LRL

February 16, 2010

NOTICE REGARDING INTENTION TO DISMISS PURSUANT TO
RULE 4(m) OF THE FEDERAL RULES OF CIVIL PROCEDURE

To: Robert Lowinger

Federal Rule of Civil Procedure 4(m) provides, in part, as follows:

". . . If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time of service . . ."

Be Advised the official record in this action reflects the complaint was filed herein on 08/19/09. Further, to date there has been no proof of service filed as to the following parties: J. Terrence Lanni, James J Murren, Daniel J D'Arrigo and Robert H Baldwin.

Notice is hereby given that this action shall be dismissed without prejudice as to said party(ies) unless on or before **03/18/2010** there is filed with the clerk proof of service on the above-named party(ies), which service must have taken place prior to the expiration of the 120-day time limit set forth in Fed.R.Civ.P. 4(m), or good cause is shown why such service was not made in that period.

Failure to comply with this Notice shall result in automatic dismissal of the action without prejudice as to said party(ies).

LANCE S. WILSON, CLERK

By: /s/ Shannon R Kirkpatrick

Deputy Clerk